



Brant Haldimand Norfolk Catholic District School Board

POLICY: MODIFIED WORK

Adopted:	25/03/03	Policy No:	300.05
Revised:	dd/mm/yy	Policy Category:	Human Resources

Policy Statement:

The Brant Haldimand Norfolk Catholic District School Board values the goal of prevention of injuries and illnesses through maintaining a safe and healthy workplace and promotes a safe work environment. The Board is committed to early intervention and return to work for all employees, as well as, the successful recovery of injured and ill employees by assisting in early intervention and return to safe work.

Policy Criteria:

The Modified Work Policy will provide a clear process to assist all employees, who have suffered an injury or illness, to return to the workplace as soon as possible, in a manner which is beneficial to the employee and the employer. Where employees are unable to return to their pre-injury or pre-illness job, the goal will be to return them to available alternative work, for which they are reasonably qualified and which is consistent with their functional abilities.

The Modified Work Policy of the Brant Haldimand Norfolk Catholic District School Board will:

- Reduce days lost due to absences from injuries and illnesses.
- Provide a fair and consistent process for employees returning to work.
- Compliance with current and future legislative obligations.
- Reduced Workplace Safety and Insurance Board costs.

An annual report of modifications provided to employees will be submitted to the Board.

Glossary of Key Policy Terms:

WSIB - Workplace Safety and Insurance Board

**Statutory / Regulatory / Related
Board Policy Linkages:**

Education Act, RSO 1990, c.E.2
Ontario Human Rights Code, RSO 1990, c.H-19
Workplace Safety and Insurance Act, 1997, SO 1997, c.16, Sched. A
Board Injury/Disease/Incident Investigation & Reporting Procedures
Employee Assistance Program



Brant Haldimand Norfolk Catholic District School Board

ADMINISTRATIVE PROCEDURES: MODIFIED WORK

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Modified Work Procedures

- Employees are responsible for promptly advising their supervisor and/or the Human Resources Department of any condition, illness or injury interfering with their ability to attend at work or perform regular duties. Failure of the employee to provide timely notification and adequate information may affect the responsibility and obligations of the Board to provide accommodation.
- During follow-up of employee absences, the Principal/Supervisor will refer to the Human Resources Department any person who appears to be an appropriate candidate for accommodation.
- It is expected that the employee on leave due to illness or injury will take primary responsibility for initiating any request for accommodation. There may be some cases where the initiation for accommodation will come from the Supervisor, Human Resources Department, Workplace Safety and Insurance Board or some other source.
- When the employee has a disability which requires job accommodation, the supervisor will notify the Human Resources Department to request advice or assistance.
- Employees are required to provide all information requested (medical or otherwise) that is required by the employer to assess the issues relevant to pursuing accommodation initiatives. The Ontario Human Rights Commission Guidelines on Accommodation clearly state: ***“the person requesting accommodation must communicate his or her needs in sufficient detail and cooperate in consultations to enable the person responsible for accommodation to respond to the request.”***
- Employees must promptly respond to any inquiries, written or otherwise, relevant to identifying, assessing, implementing or altering any relevant accommodation initiative.
- The Human Resources Department plays a co-ordinating role:
 - to assist work units/departments in their staffing needs;
 - to ensure compliance with the Collective Agreements and legislation, e.g. Workplace Safety and Insurance Act and Human Rights Code;
 - to monitor on-going accommodation;
 - to inform the employee of the right to contact his/her union/federation.

- The employee's medical doctor will assess the employee when:
 - the employee is off the job due to injury;
 - the present abilities of the employee to perform the job are not clear.
- The medical doctor must provide a certificate stating:
 - whether or not the employee is able to work under modified circumstances;
 - what the restrictions or limitations are;
 - a time line for being off work and/or performing modified work duties.

Depending on the circumstances, the employer may require a second medical review, which may be conducted by an independent doctor, to verify the need for accommodation.

- Where physical restrictions are given by a physician and the physical demands of the job are unclear, the Human Resources Department will obtain a Physical Demands Analysis for that job.
- When the employee has been off work and requires accommodation, the employee will not return to work until the medical information is submitted to the employer and job accommodation is in place.
- The employee continues to play a key role and has the responsibility to continue to actively communicate and fully participate and co-operate in any of the steps or phases of the accommodation implementation.

Modified Work Plan

Eligibility Criteria

Employees who have injuries or illnesses resulting from the work or workplace (this may include employees who have injuries resulting from outside the workplace) are eligible for modified work.

The Modified Work process begins immediately after the injury or illness occurs. The intent is to provide the employee with an appropriate, comfortable and confidence building job re-entry plan.

Criteria to Exit Modified Work Plan

- Return to regular job at full capacity.
- Return to full functional capacity supported by functional ability information.
- Inability to identify suitable, available work.
- Permanent placement in mutually-beneficial alternative work.

WSIB Process/Procedures

i) Employees

- Immediately report all accidents and illnesses and obtain necessary first aid and/or health care.

- Sign a Release Form to consent to disclosure of functional abilities information, obtain the Board's or the WSIB's Functional Abilities Timely Modified Work Form from the Catholic Education Centre and take it to a Health Care Practitioner to complete.
- Return completed Functional Abilities Form to the Board as quickly as possible.
- Assist the Board to identify suitable work consistent with their functional abilities.
- Cooperate in their Modified Work and communicate updates to the employer regarding their functional abilities.

ii) Board

- For work related injuries/illnesses, complete and submit to the WSIB in three (3) days, the Employer's Report of Accident (Form 7) and record first aid obtained.
- Complete Incident/Accident Reporting and Investigation Form, as per Board procedure.
- Review completed Functional Abilities Form with employee and his/her representative to identify suitable work.
- Prepare a Modified Work Plan in cooperation with the employee and his/her representative and monitor the plan.
- Communicate with employee regularly throughout recovery.
- Complete all necessary forms as required by the WSIB.

Note: Employees may have a representative of their Union/Association involved in any part of the process.

Implementation - Responsibilities

Uncomplicated Accommodation Within the Work Unit

Responsibility: Work Unit Supervisor

The supervisor has the responsibility to assess how an eligible employee can be accommodated within the work unit in the least disruptive manner. Accommodation can be accomplished within the work unit with little disruption when:

- the present abilities of the employee to perform the work are known and,
- the nature of the job accommodation is uncomplicated, and
- minor adjustments can be made to modify the employee's work plan or schedule.

Note: Any questions regarding accommodation should be referred to the Human Resources Department.

Complex Accommodation Requirements

Responsibility: Supervisor, Human Resources Department, Superintendent

When accommodation is more complicated and cannot be easily implemented (see above), a consultation process involving the Human Resources Department and union/association representatives and the supervisor will make an assessment. This may involve the purchase of equipment, technology or other aids to assist the employee in performing the essential duties of their job. In addition, vacant positions for which the employee is qualified and able to perform the essential duties will be considered.

When an Employee Cannot Perform the Essential Duties of Available Jobs for which he/she is Qualified:

Responsibility: Human Resources Department, Superintendent

When the disability is work related, the employee will be referred to the Workplace Safety and Insurance Board. An employer cannot accommodate an individual unable to perform the essential duties of a job.

Conclusion

At the end of the time line stipulated in the supervisor's letter or in the medical certificate or sooner if the employee is able and if the doctor agrees - the employee resumes regular duties.

OR

If the employee is unable to resume regular duties at the end of the time stipulated, the employee will be asked to provide additional medical documentation. The supervisor will notify the Human Resources Department. Depending on the circumstances, a Superintendent or designate, may request another medical review to verify the need for the continued accommodation.

If the employee is on long-term accommodation, the supervisor will follow up periodically (three to four months) and may request assistance from the Human Resources Department.

Each situation is ultimately assessed in accordance with individual circumstances. These procedures are not meant to limit or restrict options and, ultimately, the accommodation of personnel will be in compliance with legislative and collective agreement requirements that may apply from time to time.

Dispute Resolution Mechanism - Workplace Safety and Insurance Board (WSIB)

Whenever there is a dispute between the Board and the employee, the following steps will be taken:

1. Review the Modified Work Plan. Where an error has been made, reasonable steps will be taken by the Board to correct the error.

2. If the dispute is regarding functional ability/suitability of work match:
 - a) Obtain an updated Functional Abilities Form for Timely Return to Work and review the suitability of available work.
 - b) If necessary, where the recovery is not progressing as anticipated, refer the employee to a Health Care Practitioner, paid for by the Board, to conduct a more comprehensive functional abilities evaluation.
3. Where the dispute cannot be resolved, seek assistance from the WSIB for work-related injuries.
4. Where this is not WSIB-related, the following avenues are available to an employee:
 - Grievance procedures
 - Employee Assistance Program
 - Ontario Human Rights Commission